The Office Action mailed February 2003 rejected claims 1-11 and 26-27 under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims of co-pending Application No. 09/721,437 in view of Oberg (5,870,771). Further, claims 1-22 and 24-26 were rejected under Section 102 as anticipated by Oberg. Claim 27 was rejected under Section 103(a) as unpatentable over Oberg and Morris (6,453,361). Finally, claim 23 was objected to as being dependent on a rejected base claim, but otherwise are allowable. Applicants respectfully traverse the rejections and respectfully submit that all claims are in condition for allowance.

The Double Patenting Rejection

A terminal disclaimer is submitted herewith. Withdrawal of the Double Patenting rejection is respectfully requested.

The §102 Rejection

Claims 1-22 and 24-26 were rejected as anticipated by Oberg, which relates to a computerized system having means for displaying a digital image of an object such as an object of artwork supplied by the user, analyzing the color composition of the image, searching a database for coordinating frame and matting material products, developing composite images of the user's input with the matching selections, and presenting the digital images to the user so the items may be previewed before placing an order. The system interfaces with a mobile digital camera system for taking digital pictures of input supplied by the customer. The image may be cropped or otherwise altered and combined with the selected frame moulding and matting material combinations. The user may experiment with various features such as color, shape, size, width, number of openings, and other characteristics of frames and matting material until the desired combination is achieved.

In rejecting claim 1 as anticipated by Oberg, the Office Action noted that:

As per claim 1, Oberg discloses a method of generating a frame prototype image showing a picture image framed within a frame, the method comprising:

providing a frame image showing the frame in a perspective view, the frame image having a picture portion corresponding to the portion of the frame used to view a picture mounted in the frame (Figure 3 62); and

providing an enhanced edit set along with the frame image, the enhanced edit set including user manipulable tools for editing either the picture or the frame in the perspective view (Figure 2A 36 "The digital image can be modified at 36 as the software